

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 4, 2011

The City Council convened in Regular Session on Tuesday, January 4, 2011, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Michael Klinghammer, presiding, The Honorable Mayor Patricia M. York and the Members of the Council present as follows: Bob Kneemiller, Larry Muench, Bridget Ohmes, Jerry Reese, Ron Stivison, Richard Veit, and Michael Weller. Absent: Laurie Feldman. Absent: Dave Beckering. City Clerk Marilyn K. McCoy was present and performed the duties of that office.

File #47527

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by MICHAEL WELLER to excuse the absence of Councilmember Dave Beckering. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

A motion was made by RON STIVISON to advance the *Resolution Declaring a Police Canine Known as "Cuda" as a Surplus Resource and Authorizing the Transfer of Ownership* on the agenda. LARRY MUENCH seconded the motion. All voted in favor, motion passed.

RESOLUTION

A Resolution Declaring a Police Canine Known as "Cuda" as a Surplus Resource and Authorizing the Transfer of Ownership (*Sponsors: All Members of the City Council*) Police Officer Bob McWilliams thanked the Council for authorizing the transfer of ownership of Cuda to his family. A roll call vote was taken, with the following results:

Passed "Aye": Feldman, Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, and Weller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on January 6, 2011, and is known as **Resolution R11-01**

PUBLIC HEARING

The President of the Council Michael Klinghammer announced that the following Public Hearing would now be held. At the conclusion of the hearing, the Regular Session continued with the order of business:

Case No. Z-07-10. (B. Michael McMenamy). An application to rezone 6.027 acres of land known as 1460 South Drive and 1560 and 1600 Veteran's Memorial Parkway from PD-C Planned Development-Commercial District to C-3 Highway Business District. The property is located within Ward 3. (***Council Bill No. 10404***)

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AWARDS/PROCLAMATIONS

Presentation by St. Charles School District Superintendent Randall Charles Relative to Proposition K.I.D.S.

St. Charles School District Superintendent Randall Charles distributed an Informational Packet and provided general information relative to Proposition K.I.D.S., which proposition will appear on the February 8, 2011, ballot.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Carl Suhre, 24 Wheatmill Court, appeared before the Council relative to a written petition filed previous objecting to the installation of the traffic light at Lost Meadow and Hackmann.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Council Bill 10398 Relative to Retiree Health Benefits

Harry Fry, 48 Shimmering Lake Ct., voiced concern relative to Council Bill 10398.

RESOLUTION

A Resolution Declaring One 2007 Caterpillar Model M318D Wheeled Excavator as Surplus Property and Authorizing Disposal by Trade-in (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Ohmes, Reese, Stivison, Veit, Weller, and Feldman

 “Nay”: None

 Absent: Beckering

Approved by the Honorable Mayor on January 6, 2011, and is known as **Resolution R11-02**

BILLS FOR FINAL PASSAGE

Bill 10367 (Held)

An Ordinance Amending Chapter 36 of the Code of Ordinances of the City of St. Charles, Missouri by Creating a New Section to be Known as Section 36.20 Pertaining to Mandatory Vacation Leave for Certain Employees (*Sponsor: Bob Kneemiller*)

Council Bill 10367 was held pending discussion at the Council Work Session scheduled for January 25, 2011.

Bill 10373

An Ordinance Amending Chapter 156 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Sections 156.741 and 156.743 Pertaining to Electronic Billboards (*Sponsors: Larry Muench and Laurie Feldman*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer, and Kneemiller

 “Nay”: None

 Absent: Beckering

Approved by the Honorable Mayor on January 6, 2011, and is known as **Ordinance 11-01**

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Bill 10380 (Held)

An Ordinance Finding and Declaring that the Acquisition of Land, Right-of-Way or Easements for the Little Hills Industrial Boulevard Storm Sewer Project is Necessary for Municipal Purposes, and Authorizing Acquisition of Said Land (*Sponsors: Richard Veit and Michael Klinghammer*)

Council Bill 10380 was held pending discussion at the Board of Public Works Meeting scheduled for January 13, 2011.

Bill 10389 (Substitute Bill No. 1) (Held)

An Ordinance of the City of St. Charles, Missouri Amending Chapter 131 of the Code of Ordinances by Creating a New Section to be Known as Section 131.50 Relating to Funeral Picketing; Establishing a Penalty for Violations Thereof; and an Effective Date (*Sponsor: Richard Veit*)

Council Bill 10280 was held by Sponsor Richard Veit.

Bill 10392

An Ordinance Amending Chapter 33 of the Code of Ordinances by Amending Section 33.051 Pertaining to Composition of Board of Directors for the Economic Development Commission and Section 33.411 Pertaining to Members and Terms for the Veteran's Commission (*Sponsor: Ron Stivison*)

Passed "Aye": Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer, and Kneemiller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on January 6, 2011, and is known as **Ordinance 11-02**

Bill 10393

An Ordinance Authorizing a Road Crossing License Between the State of Missouri, Department of Natural Resources, and the City of St. Charles, Granting the City a License to Construct, Use, Maintain and Install an Improved Road Crossing Over the Katy Trail State Park Right-of-Way, Formerly the Missouri-Kansas-Texas Railroad, for the Purpose of Improving Access to the Katy Trail by Installing Disabled Accessible Ramps and a Crosswalk (*Sponsors: Laurie Feldman, Michael Klinghammer, Bridget Ohmes, and Richard Veit*)

Passed "Aye": Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer, and Kneemiller

"Nay": None

Absent: Beckering

Approved by the Honorable Mayor on January 7, 2011, and is known as **Ordinance 11-03**

Bill 10394

An Ordinance Consenting to the Transfer of Fee Title to Mark Twain Mall and Approving the Assignment of the Mark Twain Mall Redevelopment Agreement (*Sponsor: Larry Muench*)

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Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer,
and Kneemiller
“Nay”: None
Absent: Beckering
Approved by the Honorable Mayor on January 7, 2011, and is known as **Ordinance 11-04**

Bill 10395

An Ordinance Authorizing Supplemental Agreement No. 3 the Engineering Services Contract with PB Americas, Inc. for the Design of the New Town Boulevard Reconstruction Project in an Amount of \$16,675.00, for a Total Amount Not to Exceed \$362,263.77 (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer,
and Kneemiller
“Nay”: None
Absent: Beckering
Approved by the Honorable Mayor on January 7, 2011, and is known as **Ordinance 11-05**

Bill 10396

An Ordinance Authorizing Acceptance of Water Lines, Sanitary Sewer Main Improvements, a Storm Water Area Inlet Structure and Their Appurtenances at Lot 1 of The Pines at Elm Point Subdivision for Only that Portion of Said Plat Completed by AEX, LLC, and Authorizing Release of Security Related Thereto (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer,
and Kneemiller
“Nay”: None
Absent: Beckering
Approved by the Honorable Mayor on January 7, 2011, and is known as **Ordinance 11-06**

Bill 10397

An Ordinance Repealing Ordinance 02-10 and Enacting a New Ordinance Providing for Annual Compensation of \$40,000 for the Elected Office of Municipal Judge; and an Effective Date (*Sponsors: Michael Weller, Ron Stivison, and Dave Beckering*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer,
and Kneemiller
“Nay”: None
Absent: Beckering
Approved by the Honorable Mayor on January 7, 2011, and is known as **Ordinance 11-07**

Bill 10398 (Held)

An Ordinance Repealing Administrative Regulation 2.3.3, Version 4; Approving Administrative Regulation 2.3.3, Version 5, Regarding Medical, Dental and Vision Benefits for Employees with Certain Minimum Years of Service who Start City

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Employment Before January 1, 2011; Establishing a Range of Benefits for Non-Medicare Eligible Retirees Based on the Retiree's Years of Service Ranging from \$400/Month for a Retiree with Twenty (20) Years of Service to \$450/Month for a Retiree with Thirty (30) or More Years of Service; Establishing a Benefit for a Retiree's Non-Medicare Eligible Spouse of \$230/Month Before Retiree is Medicare Eligible and \$200/Month After the Retiree is Medicare Eligible; Establishing That, Upon Becoming Medicare Eligible, Those Employees Retiring Before February 2, 2012 Shall Receive Up To \$125/Month To Defray Cost of Purchasing a Medicare Supplement; and Establishing an Effective Date For Version 5 of Administrative Regulation 2.3.3 (*Sponsor: Michael Klinghammer*)

Director of Human Resources Kate Collier explained the provisions included in Council Bill 10398. Discussion was held relative to Council Bill 10398, including the offering of only the base plan for retirees, the current cost of the health care benefits per employee, and the elimination of the benefit of \$125.00 for a Medicare Supplement for those employees retiring after February 1, 2012. Council Bill 10398 was referred to the Council Work Session of January 11, 2011, for further discussion.

Bill 10399

An Ordinance Authorizing a Trail Connector License Agreement By and Between the Missouri Highways and Transportation Commission, Great Rivers Greenway and the City of St. Charles Granting the City a License to Construct and Maintain a Bicycle and Pedestrian Trail Connector Over the Right of Way Limits of Route 370 (*Sponsors: Laurie Feldman, Michael Klinghammer, Bridget Ohmes, and Richard Veit*)

Passed "Aye": Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer, and Kneemiller
"Nay": None
Absent: Beckering

Approved by the Honorable Mayor on January 7, 2011, and is known as **Ordinance 11-08**

Bill 10400

An Ordinance Repealing Section 39.04 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Line Item Transfers; Repealing Ordinance 04-99; and Enacting an Ordinance to Provide for Reporting to Council of Transfers Pursuant to Charter Section 8.10 in Excess of \$10,000 (*Sponsor: Bob Kneemiller*)

Passed "Aye": Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer, and Kneemiller
"Nay": None
Absent: Beckering

Returned Unsigned by Honorable Mayor on January 7, 2011, and is known as **Ordinance 11-09**

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Bill 10401

An Ordinance Authorizing Change Order Number 2 to the Contract with Bax Engineering Company, Inc. for Providing Engineering Services Associated with the Elm Street Roadway Widening Improvements Project in an Amount of \$22,512.50, for a Total Contract Amount Not to Exceed \$116,870.50 (*Sponsor: Michael Klinghammer*)

Passed “Aye”: Muench, Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer, and Kneemiller

“Nay”: None

Absent: Beckering

Approved by the Honorable Mayor on January 7, 2011, and is known as **Ordinance 11-10**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 10402

An Ordinance Approving the Record Plat for Patriot Machine, Inc., a Subdivision of the City of St. Charles, Missouri (*Sponsor: Richard Veit*)

Bill 10403

An Ordinance Authorizing a Contract with Luby Equipment Services for the Purchase of One (1) Doosan Model DX190W Wheeled Excavator for the Street Division in an Amount Not to Exceed \$131,785.00 (*Sponsor: Michael Klinghammer*)

Bill 10404

An Ordinance Rezoning to Zoning District C-3 Highway Business District from Zoning District PD-C (Planned Development-Commercial District) 6.027 Acres of Land Known as 1460 South Drive and 1560 and 1600 Veteran’s Memorial Parkway (*Sponsor: Laurie Feldman*)

Bill 10405 (*Not introduced*)

An Ordinance Finding and Declaring the Acquisition of Certain Land and Real Property Interests for the South Main Street South Reconstruction Project is Declared Necessary for Municipal Purposes and Authorizing Acquisition of Said Land and Real Property Interests (*Sponsors: Larry Muench and Laurie Feldman*)

Council Bill 10405 was not introduced by Sponsors Larry Muench and Laurie Feldman.
File #47537

Bill 10406

An Ordinance Repealing Ordinance No. 10-228 and Enacting a New Ordinance Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks (*Sponsor: Michael Klinghammer*)

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Bill 10407

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2012 Convention Marketing Grant and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

Bill 10408

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2012 Amateur Sports Marketing Grant and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

Bill 10409

An Ordinance Approving a First Amendment to a Development NID Interim Finance Agreement; and Authorizing and Directing the Mayor of the City to Execute and Deliver Same (*Sponsors: Laurie Feldman and Bob Kneemiller*)

Bill 10410

An Ordinance Accepting an Initial Deposit; Approving a Deposit Agreement in Connection With a Subdivision Known as the Streets of St. Charles at Noah's Ark; and Authorizing and Directing the Mayor of the City to Execute and Deliver the Deposit Agreement (*Sponsors: Laurie Feldman and Bob Kneemiller*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Request of St. Charles Housing Authority for Waiver of 2010 Real Estate Taxes

The Honorable Mayor Patricia M. York presented a request of the St. Charles Housing Authority for waiver of the Real Estate Taxes for 2010 totaling \$11,090.00. A motion was made by LARRY MUENCH to approve the waiver of the 2010 Real Estate Taxes for the St. Charles Housing Authority in the amount of \$11,090.00. BOB KNEEMILLER seconded the motion. A roll call vote was taken, with the following results: "Aye": Ohmes, Reese, Stivison, Veit, Weller, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Beckering. Motion passed.
File #47528

CONSENT AGENDA

Councilmember Bob Kneemiller removed *Item 10.D.2. Request for Authorization to Fill a Vacant Position in the Public Works Department (Engineer III)* from the Consent Agenda. A motion was made by LARRY MUENCH to approve the balance of the Consent Agenda. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Veit, Weller, Feldman, Klinghammer, Kneemiller, Muench, and Ohmes. "Nay": None. Absent: Beckering. Motion passed.

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- A. Approval of Council Minutes
 - 1. Special Council Meeting of December 14, 2010
 - 2. Regular Council Meeting of December 21, 2010
 - B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Council Work Session of November 9, 2010
 - b. Technology Committee Meeting of November 16, 2010
 - 2. Approval of Council Committee Motions/Actions/Recommendations
 - a. Council Work Session of November 9, 2010
 - i. Motion to Accept the Recommendation of Mayor Patricia M. York that the Economic Development Department is Retained; and that Staff Advertise to Hire an Economic Development Director to be Hired in Early Spring 2011
 - ii. Motion to Retain One Judge in the Municipal Court
 - iii. Motions Relative to 2011 Budget
 - (a) Motion to Direct Administration to Recommend a Method to Reflect the 1.1% Anticipated Excess Funds at Year End into the Budget in Order that the 2011 Budget not be Shown as a Deficit
 - (b) Motion to Delete the \$5,000 Allocated in *Account 001-0201-69 Scholarships*; and to Add \$5,000 to *Account 001-0201-32 Social Service Agency*
 - (c) Motion to Delete *Account 001-0201-55 Other Production Printing & Binding* in the Total Amount of \$8,000; and Discuss the Disposition of the \$8,000 at the Budget Wrap-Up Meeting
 - (d) Motion to Eliminate the Retiree Supplemental Benefit (\$125/month) for all Employees Hired After January 1, 2011
 - b. Technology Committee Meeting of November 16, 2010
 - i. Motion to Authorize the Purchase of Camtasia Studio Software in an Amount not to Exceed \$208.24
 - ii. Motion to Approve Software Titled Olympus DDS Player (current version) for the Police Department at no Cost
 - iii. Motion to Authorize the Request to Load Sprint L-Site Software on Selected Police Department Computers
 - iv. Motion to Authorize Loading of Pen-Link Cellebrite Forensics Auto-Load Software on Selected Police Department Computers
 - C. Receipt of Reports from Boards, Commissions or Committees
 - 1. St. Charles Park & Recreation Board Meeting of November 17, 2010
- File #47292
- File #47304
- File #47333

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- File #47333
2. St. Charles Park & Recreation Board Meeting of December 1, 2010
 3. Board of Public Works Meeting of November 10, 2010
 - a. Motion to Recommend Authorization to Acquire Easements Required for the Sunset and Valley Storm Sewer Project
 - b. Motion to Recommend Executing a Contract with R. V. Wagner, Inc. for the East Branch of Cole Creek Bank Stabilization-Phase I Project in an Amount not to Exceed \$1,598,211
 - c. Motion to Recommend Proceeding with the Following Changes to the Contract with Crawford, Murphy and Tilly (CMT): (1) Performa Dual Pressure System Analysis (\$25,600); and (2) Additional Identification of the Developable Parcels Throughout the City (\$5,100); Total Change Order Amount not to Exceed \$30,700
 - d. Motion to Recommend Entering into a Site Access Agreement with LMI Aerospace, Inc.
 - e. Motion to Recommend Approval of Amendment #5 with Donohue & Associates, Inc. for the Construction Related Services at the Mississippi River Wastewater Facility in an Amount not to Exceed \$592,420
- File #47337
4. Planning & Zoning Commission Meeting of November 22, 2010
- File #47334
5. Board of Adjustment Meeting of December 6, 2010
- File #47305
- D. Receipt of Reports of the Director of Administration
1. Request for Authorization to Fill a Vacant Position in the Police Department (Police Officer)
- File #47529
2. Request for Authorization to Fill a Vacant Position in the Public Works Department (Engineer III)
- ITEM REMOVED FROM THE CONSENT AGENDA
3. Request for Additional Compensation for an Employee in the Human Resources Department Temporarily Assigned to a Position above the Employee's Current Position
- File #47531
- E. Approval of Contracts and Easements from \$30,001 - \$99,999
1. Contract with Tarlton Corporation for Bridge Maintenance 2010 Protective Surface Treatment in an Amount not to Exceed \$52,993.70
- File #47532

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2. Contract with St. Louis Post-Dispatch, LLC for Advertisement Services in an Amount not to Exceed \$95,200.00

File #47533

F. Preliminary Plats

1. Approval of the Preliminary Plat for Truman Corner

File #47534

2. Approval of the Preliminary Plat for Patriot Machine, Inc.

File #47535

G. Miscellaneous

1. Report of the City Clerk Relative to Disposal of Various Records Pursuant to the Missouri Records Manual and State Records Retention Law

File #47536

ITEM REMOVED FROM THE CONSENT AGENDA

Item 10.D.2. Request for Authorization to Fill a Vacant Position in the Public Works Department (Engineer III)

Councilmember Bob Kneemiller requested additional information, including an evaluation and justification for filling the Engineer III position in the Public Works Department. It was the consensus of the Council to refer *Item 10.D.2. Request for Authorization to Fill a Vacant Position in the Public Works Department (Engineer III)* to a future meeting pending receipt of the additional information requested.

File #47530

REPORT OF THE MAYOR

Written and/or Verbal Messages from the Mayor

Welcome to York Family. The Honorable Mayor Patricia M. York welcomed her son and his family in their recent move to the City of St. Charles.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

Convention Center Working Hands for the Community Event. Councilmember Laurie Feldman thanked all those that participated in the Convention Center Working Hands for the Community Event, at which approximately 1,000 people were served dinner; and approximately 250 coats and three tables of hats, gloves and scarves were distributed.

CLOSED SESSION

A roll call vote was taken to convene into closed session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); with the following results: "Aye": Stivison, Veit, Weller, Feldman, Klinghammer, Kneemiller, Muench, Ohmes, and Reese. "Nay": None. Absent: Beckering. Motion passed.

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The Open Portion of the Regular Council Meeting was adjourned at 7:53 p.m.

Date Approved

City Clerk

Michael Klinghammer, Presiding Officer